

REMARKS

Claims 1-5, 8 and 20-22 are pending in the present application. By this reply, claims 6-7 and 9-19 have been cancelled, and new claims 21-22 have been added. Claims 1, 20 and 22 are independent.

The claims have been amended to clarify the invention and to improve form according to U.S. patent practice. These modifications do not involve new matter.

Claim Objection

Claim 20 has been objected to because of minor informalities. In order to overcome this objection, claim 20 has been amended to correct the concerns pointed out by the Examiner. Reconsideration and withdrawal of this objection are thus respectfully requested.

Rejection under 35 U.S.C 112, Second Paragraph

Claims 1-12 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being incomplete. Without acquiescing to the Examiner's allegations made in rejecting these claims, but to advance prosecution only, independent claim 1 has been amended to include the word "writing" as recommended by the Examiner. Accordingly, this rejection should be withdrawn.

Double Patenting Rejection

Claim 20 has been rejected on the ground of non-statutory obviousness-type double patenting as allegedly being unpatentable over claim 17 of U.S. Patent Publication No. 2004/0114474. Without acquiescing to the Examiner's allegations made in rejecting this claim, but to advance prosecution only, independent claim 20 has been amended to further recite distinguishing features of the present invention, which clearly renders claim 20 as patentably distinct from claim 17 of the applied reference. Accordingly, this rejection should be withdrawn.

Rejections under 35 U.S.C § 102 and § 103

Claims 1-6, 12-15 and 20 have been rejected under 35 U.S.C. § 102(a) as being anticipated by Takano et al. (U.S. Patent No. 5,448,728). Claims 7, 9-11 and 16-19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Takano et al. in view of Fukushima et al. (U.S. Patent No. 5,111,444). Claim 8 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Takano et al. in view of Hwang et al. (U.S. Patent Publication 2004/0076096). These rejections, insofar as they pertain to the presently pending claims, are respectfully traversed.

Without acquiescing to the Examiner's allegations made in rejecting these claims, but to advance prosecution only, independent claims 1 and 20 have been amended to recite management information associated with an overwriting feature of a write once optical disc, e.g., as fully supported by Fig. 10 and original claims 9 and 10. Particularly, Applicants' invention is directed to allowing an overwrite (rewriting) on a write once optical disc, and provides management information for managing the overwrite (e.g., data/area requested to be overwritten). According to an embodiment, the management information includes "two entries, the first entry includes start address information of the specified area requested to be overwritten and the replacement-recorded area, and the second entry includes end address information of the specified area requested to be overwritten and the replacement-recorded area" as recited in independent claim 1. Independent claim 20 recites similar features in a varying scope.

Takano does not provide the management information as recited in claims 1 and 20, which is acknowledged in the Office Action. Further, Fukushima does not overcome these deficiencies of Takano.

First, Fukushima is directed to managing defect lists of a write once optical disc, and clearly is not directed to managing an overwrite operation of a write once optical disc. Fukushima is not concerned with and does not provide any discussion of providing an overwrite operation to Fukushima's write once optical disc, much less a discussion on the specific structure of management information associated with the overwrite operation, as in Applicants' invention.

Thus, there is no motivation to apply Fukushima's management information pertaining to managing defective sectors of the disc to Takano's overwrite operation. Accordingly, a *prima facie* case of obviousness has not been established and the rejections are improper.

Furthermore, Fukushima merely recites in column 3, lines 26~32 that "In a preferred embodiment of the method of the invention, a volume control mode for storing control data necessary for the operation of recording and reproducing data is generated to be recorded in said volume control area, said operation including the allocation of partitions, the recording and reproducing of a file, and the substitution of a defective sector". As the operation list indicates, Fukushima's operation to be controlled does not include an overwrite operation, and thus its control data does not and cannot include the management information as recited in claims 1 and 20, i.e., management information for data/area requested to be overwritten in a write once optical disc. Thus, Fukushima's volume mode control data cannot be equated to Applicants' management information as recited in claims 1 and 20.

Moreover, it appears that the Examiner equates the "partitions" of Fukushima to the entries of the management information of Applicants' invention; see the rejection of original claims 9 and 10. However, this is not proper. In Fukushima, each partition includes a user area and generally other areas such as a primary defect list area and a primary spare area, as shown in Fig. 1. For instance, a "Partition a" includes a User area Ua, a Primary defect list area Da, and a Primary spare areas Sa. Thus the meaning and structure of a partition in Fukushima are completely different from an entry of the management information as recited in claims 1 and 20, and Fukushima cannot correct the deficiencies of Takano.

Hwang et al. also does not overcome these deficiencies in Takano and Fukushima, either taken singularly or in combination. Thus, even if the references were combinable, assuming *arguendo*, the combination of references would still fail to teach or suggest at least the above noted feature recited in claims 1 and 20.

Accordingly, independent claims 1 and 20 are patentably over the applied references, and reconsideration and withdrawal of the rejections are respectfully requested.

New Claims

Claims 21-22 are recording medium claims generally corresponding to claims 1 and 20, and are thus believed to be allowable.

CONCLUSION

For the foregoing reasons and in view of the above clarifying amendments, the Examiner is respectfully requested to reconsider and withdraw all of the objections and rejections of record, and to provide an early issuance of a Notice of Allowance.

Should there be any outstanding matters which need to be resolved in the present application, the Examiner is respectfully requested to contact Esther H. Chong (Registration No. 40,953) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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